

APR 15 2011

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**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
HARRISONBURG DIVISION**

HOWARD L. HERRING,

Plaintiff,

V.

MICHAEL J. ASTRUE,
Commissioner of Social Security,

Defendant.

Civil Action No. 5:10CV00025

FINAL ORDER

By: Samuel G. Wilson
United States District Judge

This case was referred pursuant to 28 U.S.C. § 636(b)(1)(B) to the Honorable James G. Welsh, United States Magistrate Judge. The Magistrate Judge has filed a report recommending that an order be entered, affirming the final decision of the Commissioner, and granting summary judgment to the defendant and denying plaintiff's claim. Objections to the report and recommendation have not been filed, and the court, upon review of pertinent portions of the record, is of the opinion that the report should be adopted. It is accordingly, **ORDERED** and **ADJUDGED** that the final decision of the Commissioner is **AFFIRMED**, summary judgment is **GRANTED** to the defendant, plaintiff's claim is **DENIED**, and this case is **ORDERED** stricken from the docket of the court.

ENTER: This April 15th, 2011.

UNITED STATES DISTRICT JUDGE